

RESOLUTION NO. 2009 - 102

**A RESOLUTION OF THE
GALLATIN COUNTY COMMISSION
AMENDING THE GALLATIN COUNTY SUBDIVISION REGULATIONS**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner MURDOCK, and seconded by Commissioner SKINNER. The resolution was adopted UNANIMOUSLY.

WHEREAS, Gallatin County has adopted subdivision regulations in accordance with Title 76, Chapter 3, MCA; and

WHEREAS, the Gallatin County Subdivision Regulations were adopted on February 26, 1975, and amended thereafter; and

WHEREAS, the Gallatin County Commission recognizes that amendments to the Subdivision Regulations are necessary to comply with the Montana Subdivision and Platting Act, Growth Policy statutes, and to carry out the purpose of the Gallatin County Subdivision Regulations; and

WHEREAS, on October 17, 2008, the Commission adopted Resolution of Intention No. 2007-128, directing the Gallatin County Planning Department to prepare amendments to the Gallatin County Subdivision Regulations, pertaining to transportation infrastructure improvements; and

WHEREAS, Section 13.B.(1), Amendments to Subdivision Regulations, of the Gallatin County Subdivision Regulations, provides that for the purpose of providing for the public health, safety, and general welfare, the Commission may amend the provisions of the Subdivision Regulations; and

WHEREAS, the Gallatin County Planning Department has prepared the attached amendments to Section 1 General Provisions and Definitions; Section 7 Design and Improvement Standards; Section 9 Environmental Assessment of the Gallatin County Subdivision Regulations, deletions to the text being shown as ~~strikeout~~, and additions to the text shown as underline; and

WHEREAS, Section 13.B, Amendments to Subdivision Regulations, of the Gallatin County Subdivision Regulations, provides that all amendments shall not become effective until after a public hearing has been held before the Commission, legal notice of which shall have been given in a newspaper of general circulation in the County not less than 15 days nor more than 30 days prior to the hearing date; and

WHEREAS, notice of the Gallatin County Commission public hearing for consideration of the amendments to the Gallatin County Subdivision Regulations was published in the *Bozeman Daily Chronicle* on June 28 and July 5, 2009; and

WHEREAS, the Planning Board considered the proposed amendments at their meeting on July 14, 2009, and recommended unanimously (10:0) that the Commission adopt the proposed amendments to the Subdivision Regulations with some minor revisions as attached to the Planning Board's Findings of Fact and Recommendation; and


WHEREAS, the Gallatin County Commission held a public hearing on July 28, 2009, and found that the amendments to the Gallatin County Subdivision Regulations are consistent with the Montana Subdivision and Platting Act and Growth Policy statutes, promotes the purpose of the Subdivision Regulations, meets the public necessity, convenience, and general welfare, and are in accordance with the procedures provided by law and the Gallatin County Subdivision Regulations.


NOW THEREFORE BE IT RESOLVED:

The Gallatin County Commission pursuant to 76-3-503, MCA, hereby approves this Resolution to Adopt Amendments to the Gallatin County Subdivision Regulations. These amendments include the attached amendments to the Gallatin County Subdivision Regulations.

Dated this 18TH OF AUGUST, 2009

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY


R. Stephen White, Chairman


William A. Murdock, Member


Joe P. Skinner, Member



SECTION 1: GENERAL PROVISIONS AND DEFINITIONS

- A. Title.** These Regulations shall be known as “The Gallatin County Subdivision Regulations” referred to throughout the document as “Subdivision Regulations” or “these Regulations.”
- B. Authority.** Authorization for adopting these Regulations is the Montana Subdivision and Platting Act (MSPA). [Title 76, Chapter 3, Montana Code Annotated (MCA)].
- C. Jurisdiction.** These Regulations govern the subdivision of land within the jurisdictional area of the governing body of Gallatin County.

If a proposed subdivision lies within one mile of a third class city or town or within two miles of a second-class city or within three miles of a first class city, the county governing body must submit the preliminary plat to the city or town governing body or its designated agent for review and comment. If a proposed subdivision lies partly within an incorporated city or town, the preliminary plat must be submitted to, and approved by, both the city or town and the county governing bodies.

If a proposed subdivision is located in a rural school district, the governing body shall provide a summary of the information contained in the subdivision application and preliminary plat to school district trustees.

These Regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements apply. Other regulations include, but are not limited to, zoning regulations, floodplain regulations, building codes, development codes, and fire codes.

- D. Purpose.** The purpose of these Regulations is to promote the public health, safety, and general welfare by regulating the subdivision of land; prevent the overcrowding of land; lessen congestion in the ~~streets~~ roads and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public improvements; to require development in harmony with the natural environment; to promote preservation of open space; to promote cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services; to protect the rights of property owners; and to require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey. [76-3-102, MCA]

These Regulations are intended to comply with Part 5 of the MSPA, and are intended to promote:

1. Orderly development of Gallatin County.
2. Coordination of roads within subdivided land with other roads, both existing and planned.
3. Dedication of land for public roadways and for public utility easements.
4. Proper physical and legal road access, including obtaining necessary easements and the improvement of roads.
5. Adequate open spaces for travel, light, air and recreation.
6. Adequate transportation, water, drainage, and sanitary facilities.
7. Avoidance or minimization of congestion.
8. Avoidance of subdivisions, which would involve unnecessary environmental degradation.
9. Requirement that subdivision development be in harmony with the natural environment.
10. Avoidance of danger or injury by reason of natural hazard or the lack of water, drainage, access, transportation or other public improvements.
11. Avoidance of excessive expenditure of public funds for the supply of public improvements and services.
12. Manner and form of making and filing of plats for subdivided lands.
13. Administration of these Regulations, by defining the powers and duties of approving authorities, including procedures for the review and approval of all subdivision plats covered by these provisions.
14. Implementation in accordance with the goals and policies of the Gallatin County Growth Policy and Gallatin County zoning districts.

E. Severability Clause. If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will affect only the part held invalid.

Insofar as these Regulations are more restrictive than any other local law, these Regulations shall be controlling, and if any other law is more restrictive, it shall take precedence over these Regulations.

F. Conditions. Regulation of the subdivision of land and the imposition of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state of Montana to Gallatin County. Subdividers have the duty to comply with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to promote the physical and economic development of Gallatin County and to the safety and general welfare of the future subdivision lot owners and of the community at large.

G. General Terms. Terms used throughout these Regulations are abbreviated as follows:

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| 1. | Montana Subdivision and Platting Act: | <i>MSPA</i> |
| 2. | Gallatin County Clerk and Recorder: | <i>Clerk and Recorder</i> |
| 3. | Gallatin County Commission: | <i>County Commission or Commission</i> |
| 4. | Gallatin County: | <i>County</i> |
| 5. | Gallatin County Attorney: | <i>County Attorney</i> |
| 6. | Gallatin County District Court. | <i>District Court</i> |
| 7. | Gallatin County City-County Health Department: | <i>GCCHD</i> |
| 8. | Montana Department of Environmental Quality: | <i>MDEQ</i> |
| 9. | Montana Department of Transportation: | <i>MDT</i> |
| 10. | Natural Resources Conservation Services: | <i>NRCS</i> |
| 11. | County, City-County planning boards as established under Title 76, Chapter 1, MCA: | <i>planning board</i> |
| 12. | Various planning departments throughout Gallatin County: | <i>planning department</i> |

13. Gallatin County Subdivision Regulations: ***Regulations***
14. Gallatin County Road and Bridge Department: ***Road Department***
15. Gallatin County Road and Bridge Superintendent: ***Road Superintendent***
16. Gallatin County Treasurer: ***Treasurer***
17. United States Geological Survey: ***USGS***
18. Gallatin County Weed Control Department: ***Weed Department***
19. American Association of State Highway and Transportation Officials: ***AASHTO***
20. Traffic Impact Study: ***TIS***
21. Right-Of-Way: ***ROW***
22. Manual on Uniform Traffic Control Devices: ***MUTCD***

H. Definitions. Whenever the following words or phrases appear in this text, they shall have the meaning assigned to them by this subsection. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates use of discretion in making decisions.

1. Access Road(s). All off-site roads that connect to an interior subdivision road or a direct driveway approach to a subdivision lot. An Access Road may be an Arterial, Collector, Local, or County maintained road. (See Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1)
- 1.2. Adjoining landowner or property owner. The owner of record of a parcel of land that is contiguous, at any point, or land that is separated from the parcel only by a road, watercourse or deeded right-of-way.
- 2.3. Agriculture. The cultivation or tilling of soil for the purpose of producing vegetative materials for sale or for use in a commercial operation and/or the raising or tending of animals for use or commercial sale. All aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, harvesting of agricultural or horticultural

commodities; raising of livestock, bees, fur-bearing animals or poultry; and any practices including, forestry or lumbering operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market. Agriculture does not include gardening for personal use, keeping of house pets, or landscaping for aesthetic purposes.

- 3.4. Agricultural Water User Facility. Those facilities which provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, ditches, head gates, pipes, and other water conveying facilities.
- 4.5. Aliquot Part. An equal division of a government section as described by the 'Manual for the Survey of The Public Lands of the United States.'
- 6. Alley. A public or private way reserved as a secondary means of access to the rear or side of lots which adjoin on and are served by public roads.
- 7. Arterial Road. A road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. (See Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1)
- 8. Average Daily Traffic (ADT). The average number of moving vehicles on a roadway segment during a non-holiday week day. (See Section 7 C.13. ADT determination.)
- 5.9. Base Flood. A flood having a one percent (1%) chance of being equaled or exceeded in any given year. A base flood is the same as a 100 – year flood.
- 6.10. Block. A piece or tract of land entirely surrounded by public highways roads, waterways, railway, right-of-way, or parks, etc., or a combination thereof. A group of lots, tracts or parcels within well defined and fixed boundaries.
- 7.11. Central Sewage System. A public sewage system as defined in 75-6-102 MCA and ARM 17.36.101.
- 8.12. Central Water System. A public water supply system as defined in 75-6-102 MCA and ARM 17.36.101.

- ~~9.13.~~ Certificate of Survey. A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary location.
- ~~14.~~ Collector Road. A road that gives equal priority to the movement of traffic and access to abutting properties. (See Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1)
- ~~10.15.~~ Common Open Space or Area. Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites, and/or recreational facilities for residents, including but not limited to, meeting rooms, benches, picnic tables, and interpretive signage as indicated on an approved development plan.
- ~~11.16.~~ Comprehensive Plan. A growth policy as defined in Section 76-1-601, MCA.
- ~~12.17.~~ Condominium. A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units, pursuant to Title 70, Chapter 23, MCA.
- ~~13.18.~~ Conservation Easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in perpetuity (or defined time period) in its natural and open state, precluding future or additional development (with the exception of any allowable structures or facilities).
- ~~14.19.~~ Contiguous Tract. For the purpose of these Regulations, a parcel of land next to, abutting, adjacent to, adjoining or touching another individual parcel of land, including tracts which are separated only by public right-of-way.
- ~~15.20.~~ Covenant. An agreement, or restriction, in writing, of two or more parties by which any of the parties pledges to the others that something is done or shall be done. Covenant or Restrictive Covenant: A limitation contained in a deed or other document that restricts or regulates the use of the real property.

21. Cul-de-sac. A road having only one outlet for vehicular traffic and terminating in a turn around area. (See Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1)
22. Dead End Roads. A road having only one outlet for vehicular traffic. (See Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1)
- ~~16.~~23. Dedication. The deliberate appropriation of land by an owner for any general and public use, reserving no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted (76-3-103(3), MCA).
- ~~17.~~24. Division of Land. The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the MSPA. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land (76-3-103(4), MCA).
- ~~18.~~25. Dwelling Unit. Any building or portion thereof providing complete, independent and permanent living facilities for one family.
- ~~19.~~26. Easement. A grant by a property owner to specific persons or to the public a right to use land for a specific purpose or purposes, in which said property owner agrees not to build, create or construct any obstruction, building, engineering works or other structures over, under, or that would interfere with said use.
- ~~20.~~27. Engineer (Registered Professional Engineer). A person licensed in conformance with the Montana Professional Engineers Registration Act (Title 37, Chapter 67, MCA) (~~sections 37-67-101 through 37-67-332, MCA~~) to practice engineering in the state of Montana. (~~engineer~~). Title 37, Chapter 67, MCA
- ~~21.~~28. Final Plat. The final drawing showing the subdivision and dedication which is prepared for filing for record with the county clerk and recorder and contains all elements and requirements set forth in MSPA and the Subdivision Regulations.
- ~~22.~~29. FIRM-Flood Insurance Rate Map. The map on which the Federal Emergency Management Agency (FEMA) has delineated both the 100-year floodplains and the risk premium zones.

- ~~23.30.~~ First Minor Subdivision. A proposed minor subdivision from a tract of record that has not been subdivided or created by a subdivision under the MSPA, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207, MCA, since July 1, 1973. [76-3-609(2), MCA].
- ~~24.31.~~ Flood of 100 Year Frequency. A flood magnitude which has a one percent chance of occurring in any given year , or is a flood magnitude which is expected to recur on the average of once every 100 years [76-5-103 (9), MCA].
- ~~25.32.~~ Flood. The water of any watercourse or drainage which is above the bank or outside the channel and banks of such watercourse or drainage [76-5-103 (8), MCA].
- ~~26.33.~~ Floodplain. The area adjoining the watercourse or drainage that would be covered by the floodwater of a flood of 100 year frequency [76-5-103 (10), MCA]. The floodplain consists of a floodway and floodway fringe.
- ~~27.34.~~ Floodway. The channel of a stream or river and the adjacent over bank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half (1/2) foot.
- ~~28.35.~~ Floodway Fringe. That portion of the floodplain outside the limits of the floodway.
- ~~36.~~ Frontage Access Road. A local or collector road, usually parallel and adjacent to an arterial or collector road, which provides access to abutting properties and control of traffic access to arterials or collectors. (See Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1)
- ~~29.37.~~ Governing Body. The governing authority of a county, city, town, or consolidated local government organized pursuant to law [76-3-103 (7), MCA]. The governing body referred to in these Regulations is the Board of Gallatin County Commission.
- ~~30.38.~~ Growth Policy. An official public document adopted and used by a local government as a general guide for development and conservation decisions. It is not a regulation; rather, it is an official statement of public policy to guide growth and change. The required and optional elements of a growth policy are listed in Title 76, Chapter 1, Part 6, MCA.

- 34.39. Health Authorities. The Montana Department of Environmental Quality, local health officer, local sanitarian, or other authorized representative.
- 32.40. Immediate Family. A spouse, children by blood or adoption, and parents.
- 33.41. Irregularly Shaped Tract of Land. Means a parcel of land other than a aliquot part of the United States Government survey section or a United States Government lot, the boundaries or areas of which cannot be determined without a survey or trigonometric calculation.
- 34.42. Legal Access. Where access to a subdivision, or any lot within a subdivision, is provided by a dedicated public road right-of-way or a public road easement.
43. Level of Service (LOS) Standard. A quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated by the methodology contained in the *Highway Capacity Manual* (Transportation Research Board, Special Report 209, 2000).
- 35.44. Limited Access. A way or means of allowing physical entrance to land at controlled locations or points. A “no-access” strip or line may be placed on a plat as a means of limiting access.
36. ~~Limited Access Roadway. A road especially designed for through traffic, over which abutting land owners have no right to direct access.~~
45. Local Road. A road having the primary function of serving abutting properties, and the secondary function of moving traffic. (See Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1)
- 37.46. Local Services. Any and all services that local governments, public or private utilities are authorized to provide for the benefit of their citizens. These services include, but are not limited to, law enforcement, fire protection, water supply, recreation, streets and roads, parks, libraries, schools, wastewater and solid waste collection and disposal.
- 38.47. Lot. A parcel, plot or other land area created by subdivision for sale, lease, or rent.
- 39.48. Lot Measurements:

- A. Lot Depth. The average distance from the front lot line to the rear lot line.
- B. Lot Width. The average distance between side lot lines.
- C. Lot Frontage. The width of the front lot line.
- D. Lot Area. The area of a lot determined exclusive of highway, alley, road, or other right-of-way.

40.49. Lot Types:

- A. Corner Lot. A lot located at the intersection of two roads.
- B. Interior Lot. A lot with frontage on only one road.
- C. Double Frontage Lot. A lot with both front and rear lot lines abutting a road.

41.50. Major Subdivision. A subdivision containing six or more lots, which does not qualify for review as a minor subdivision.

42.51. Minor Subdivision. A subdivision that creates five or fewer lots.

43.52. Manufactured Home. A detached residential dwelling unit, which may consist of one or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "manufactured homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.

44.53. Manufactured or Mobile Home Lot or Space. A designated portion of a manufactured home park designed for the accommodation of one manufactured home and its accessory buildings or structures for the exclusive use of the occupants.

45.54. Manufactured or Mobile Home Stand. That area of a manufactured home lot which has been prepared for the placement of a manufactured home.

- 46.55. Manufactured or Mobile Home Park. Any real property under single ownership or control for which the primary purpose is the placement of two or more manufactured homes for permanent residential dwellings and for the production of income. A manufactured home park does not include real property used for the display and sale of manufactured units, nor does it include real property used for seasonal purposes only, as opposed to year-round occupancy. Home sites within the park are leased to individual homeowners, who retain customary leasehold rights.
- 47.56. Manufactured or Mobile Home Subdivision. A subdivision designed and/or intended for the sale of lots for siting manufactured homes.
- 48.57. Mobile Home. A transportable, manufactured structure, suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings. This definition applies only to units constructed prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Compare to the definition of manufactured home.
- 49.58. Monument (Permanent Monument). Any structure of masonry, metal or other permanent material placed in the ground which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference (ARM 8.94.3001).
59. Mountainous Roads. Roads located on mountainous terrain. Mountainous terrain has a cross slope exceeding fifteen percent. (See Section 7 Table 7.1)
- 50.60. MSPA. Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
- 51.61. Natural Environment. The physical conditions which exist within a given area, including land, water, mineral, flora, fauna, sound, light, and objects of historic or aesthetic significance.
62. Net Density. The number of residential dwelling units per unit of land, excluding any land used or to be used as road rights-of-way and dedicated parkland/open space.
- 52.63. Open Space. A land or water area devoid of buildings and other physical structures except where accessory to the provision of recreation.
- 53.64. Ordinary High Water Mark. The outermost line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of

the area below the line include, when appropriate, but are not limited to deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface waters' high-water marks (23-2-301 MCA).

~~54. Pathway. A facility that accommodates recreational and/or transportation needs of pedestrians, bicyclists, including sidewalks, bike lanes, boulevard trails, and trails.~~

~~65. Pedestrian Facility. A sidewalk or walkway, separate from the traveled portion of the Roadway located in a public road right-of-way or public road easement.~~

~~55.66. Phased Development. A large scale development which is designed to be completed, one defined geographic area (phase) at a time, with each phase standing on its own in terms of access, circulation, utilities, parks and open space, and so on, in the event subsequent phases are delayed or canceled.~~

~~56.67. Physical Access. A state or federal highway, a public road maintained by Gallatin County, or a road built to the standards of Section 7 and Tables 7.1, 7.2, 7.3, 7.4 and Figure 7.1 of these Regulations. Tables 1 and 2 of these Regulations.~~

~~57.68. Planned Unit Development (PUD). A land development project consisting of residential clusters, industrial parks, shopping centers, office buildings, parks, or any combination thereof which comprises a planned mixture of land uses built in a pre-arranged relationship to each other and having open space and community facilities in a common ownership or use.~~

~~58.69. Planning Board. The Gallatin County Planning Board.~~

~~59.70. Planning Department. The Gallatin County Planning Department.~~

~~60.71. Plat:~~

~~a. Preliminary Plat. A legible and scaled drawing of a proposed subdivision showing the layout of streets roads, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body as more specifically set forth in these regulations and the MSPA.~~

~~b. Final Plat. The final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder~~

containing all elements and requirements set forth in these regulations and the MSPA. (Title 76, Chapter 3, MCA).

c. Amended Plat. The final drawing of any change to a filed platted subdivision, or any lots within a filed platted subdivision.

d. Vacated Plat. A plat which has been voided under the provisions of MCA 76-3-305, 7-5-2501, 7-5-2502, 7-14-2616 (1) and/or (2), 7-14-2617, 7-14-4114 (1) and/or (2), and 7-14-3115.

~~61.72.~~ Private Improvement. Private improvements are the same types of improvements as defined under PUBLIC IMPROVEMENTS, except the structure or facility has not been dedicated to the public or otherwise acquired by a government entity for public use.

~~62.73.~~ Property Owner. Any person, firm, corporation or other entity shown as being the legal owner of a tract, parcel or lot in the records of the County Clerk and Recorder.

~~63.74.~~ Property Owners' Association. An association whether incorporated or not, formed to own, manage, or maintain common property or facilities.

~~64.75.~~ Public Health and Safety. A condition of optimal well-being, free from danger or injury, for a community at large, not merely for an individual or small group of persons.

~~65.76.~~ Public Improvement. Any structure or facility constructed to serve more than one lot in a subdivision which is dedicated to the public or otherwise acquired by a government entity for public use. Examples of typical public improvements include parks, ~~streets or~~ roads, sidewalks, Trails, curbs, gutters, street lighting, utilities, and systems for water supply, sewage disposal, drainage, or fire protection.

~~66.~~ ~~Public Road or Street.~~ A road or street is public if its right-of-way has been dedicated or acquired for public use.

~~67.77.~~ Public Sewage System. A system of collection, transportation, treatment and disposal of sewage that serves 15 or more families or 25 or more persons daily for any 60 or more days in a calendar year (75-6-102 MCA and ARM 17.36.101).

~~68.78.~~ Public Water Supply System. A system for the provision of water for human consumption from any community well, water hauler for cisterns, water

bottling plant, water dispenser, or other water supply that has at least 15 service connections or that regularly serves at least 25 persons daily for any 60 or more days in a calendar year. (75-6-102 MCA and ARM 17.36.101).

~~69.~~79. Recreational Vehicle Park. A place used for public camping where persons can rent space to park individual camping trailers, pickup campers, motor homes, travel trailers or automobiles for transient dwelling purposes.

~~70.~~80. Recreational Vehicle Space. A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

~~71.~~81. Rights-of-Way (ROW). A linear public way established or dedicated for public purposes by a duly recorded plat, deed, easement, grant, prescription, condemnation, governmental authority or by operation of law, intended to be occupied by a street road, Trail, motorized and non-motorized vehicle path, railroad, electric transmission lines, water line, sanitary sewer line, storm sewer line, or other similar uses.

~~72.~~82. Roadway. That portion of the road right-of-way which is improved or is proposed to be improved to carry traffic and provide for the on-road storage of automobiles; where curb is provided, the roadway is measured from face-of-curb to face-of-curb.

~~73.~~ ~~Road and Street Types:~~ For purposes of these regulations, street types are defined as follows:

a. ~~Alley.~~ A public or private way reserved as a secondary means of access to the rear or side of lots which abut on and are served by public roads.

b. ~~Arterial.~~ A street or road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of moving traffic and should provide only limited access to abutting property.

c. ~~Collector.~~ A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets roads have two moving traffic lanes and up to two parking lanes.

d. ~~Local Streets.~~ A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic. Local

~~streets have two moving lanes of traffic, up to two parking lanes, and provide access to abutting properties.~~

~~e. Cul-de-sac. A street having only one outlet for vehicular traffic and terminating in a turn-around area.~~

~~f. Loop. A local street which begins and ends on the same street, generally used for access to properties.~~

~~g. Frontage Access (Service Road). A local or collector street road, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.~~

74.83. Structure. A combination of materials to form a building, edifice or any piece of work for use, occupancy, or ornamentation whether installed on, or below the surface of land or water.

75.84. Subdivider. Any person, firm, or corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land.

76.85. Subdivision. A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes [76-3-103(16), MCA].

77.86. Subdivision Administrator. The person or persons authorized by the governing body to perform the duties of review and administration as set forth in these Regulations.

78.87. Subsequent Minor Subdivision. Any subdivision of five or fewer parcels that is not a first minor subdivision.

79.88. Surveyor (Registered Land Surveyor). A person licensed in conformance with the Montana Professional Engineers, Registration Act (Section 37-67-101 through 37-67-332, MCA) to practice surveying in the state of Montana.

80.89. Swale. A drainage channel or shallow depression designed to direct surface water flow.

- ~~84.90.~~ Title of Report (Abstract of Title, Subdivision Guarantee, or Platting Report). A report from a title service company on the condition of title to the property proposed for subdivision, which identifies the owners of record of the property, lien holders, encumbrances, easements and restrictions of record, and all other conditions of title of public record, and accompanied by a guarantee of the accuracy of the report from the title insurance agent or its underwriter.
- ~~82.91.~~ Tract. Land area proposed to be subdivided.
- ~~83.92.~~ Tract of Record. An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office [76-3-103(17)(a), MCA].
- ~~93.~~ Trail. A public facility that accommodates recreational and transportation needs of citizens.
- ~~94.~~ Trails Plan. A planning document adopted as an amendment to the Gallatin County Growth Policy pursuant to Title 76, Chpt. 1, MCA that serves as a guide for future Trail facility needs.
- ~~95.~~ Transportation Plan. A planning document adopted as an amendment to the Gallatin County Growth Policy pursuant to Title 76, Chpt. 1, MCA, which serves as a guide for future Transportation System needs.
- ~~96.~~ Transportation System. The network of public roads, intersections, sidewalks, bike facilities, Trails, and transit systems.
- ~~84.97.~~ Un-Subdivided Land. Existing transferable parcels of land which are not recorded as parcels or lots within a platted subdivision. Parcels of land not created through the Montana Subdivision and Platting Act or local subdivision review process.
- ~~85.98.~~ Variance, Undue Hardship. The physical surroundings, shape, or topographical conditions of the property involved preclude the development of the property. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed.
- ~~86.99.~~ Vicinity Sketch. A map at a scale suitable to locate a proposed subdivision, showing the boundary lines of all adjacent properties and streets roads, Trails and other information necessary to determine the general location of the proposed subdivision.

87.100. Watercourse. Any natural stream, river, creek, drainage, waterway, gully, ravine or wash in which water flows either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water.

88.101. Wetland. Areas that are inundated and saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

89.102. Wildlife. Animals that are neither human, domesticated, nor feral descendants of commonly domesticated animals.

90.103. Wildlife Habitat. The place or type of habitat where wildlife naturally lives.

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SECTION 7: TRANSPORTATION DESIGN AND IMPROVEMENT STANDARDS, ROADS

A. Intent. The intent of this Section is to ensure that new Subdivisions contribute to orderly development and public health, safety and general welfare of County residents and are designed to (i) provide for a safe and efficient Transportation System; (ii) provide for an appropriate dedication of land for roadways and Trails; and (iii) provide for the adequate improvement of roads that mitigate expected impacts that are directly attributable to the subdivision.

B. General. The design standards contained in these Regulations are minimum standards and shall apply to all construction and reconstruction of the Transportation System.

A. C. General Design.

1. Roads. The arrangement, type, extent, width, grade, and location of all roads shall be considered in ~~their~~ relation to existing and planned roads, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such roads.
2. Relation to Un-Subdivided Areas Lands. When a ~~new proposed~~ Subdivision (approved pursuant to Title 76, Chpt. 3, Part 5 and 6, MCA) adjoins un-subdivided land (lands or parcels not created by a recorded Subdivision plat) and access to the un-subdivided land must pass through the ~~new proposed~~ Subdivision, as at a minimum, the Subdivider shall provide adequate rights-of-way or public road easements, ~~county standard so as to allow suitable access to the un-subdivided land.~~

This requirement may be waived ~~by~~ if the Commission ~~when the Road Department finds that~~ one of the following criteria is met:

- a. Topography or other physical conditions would make it impracticable to provide access to adjacent un-subdivided property.
- b. Adequate public access is otherwise available to the adjacent un-subdivided properties.
- c. When the adjoining un-subdivided property is under public ownership.

This requirement shall be waived by the Commission if the adjoining un-subdivided property is subject to a conservation easement or other legally

restrictive covenant as confirmed by the Gallatin County Attorney's Office.

3. Relation to Adjacent Subdivided Lands Areas. The Subdivider shall arrange the interior Subdivision roads to provide for the continuation of roads between adjacent subdivided properties (lands or parcels created by a recorded Subdivision plat). ~~when such continuation is necessary for the convenient movement of traffic, connection of neighborhoods, effective provision of emergency services, and provision of utilities.~~
4. Separation of Through and Local Traffic. Where a Subdivision abuts or contains an existing or proposed Arterial or Collector road, the County and/or MDT may require the Subdivider ~~may be required~~ to provide additional right-of-way, frontage roads, reverse frontage with a reservation prohibiting access along the rear property line (no access strip), screen planting, or such other treatment as may be necessary for protection of residential properties and to afford separation of through and local traffic.
5. Distance Between Parallel Rights-Of-Way. Where a Subdivision borders on or contains a railroad, limited access highway, ~~canal, ditch~~ Water Conveyance Facility, or stream right-of-way, the County and/or MDT may require the Subdivider ~~may be required~~ to provide a road approximately parallel to and on each side of such right-of-way at a distance suitable to allow for the appropriate use of the intervening land. Such distances shall ~~also be determined with due regard~~ allow for the requirements of approach grades and future grade separation.
6. Dead-End Roads. No dead-end roads shall be permitted without an approved turn around. Where ~~streets~~ roads terminate, the Subdivider shall provide a cul-de-sac. A "T" turnaround at the terminus may be allowed for interior Subdivision roads that provide access to two lots or less with approval of the appropriate fire district or fire service area. Cul-de-sacs and "T" turnarounds must conform to the design and construction standards ~~specification~~ of Tables ~~1-~~ 7.1, 7.2, 7.3 and 7.4 and Figure 7.A. Where ~~it is planned that~~ a dead-end road will be extended in the future, a temporary cul-de-sac or "T" turnaround shall be provided.

"T" turnarounds shall include:

- a. two straight backup lengths of ~~thirty~~ 50 feet (~~30'~~);
- b. shall have an inside turning radius of ~~twenty-six~~ 26 feet (~~26'~~); and
- c. ~~shall have~~ an outside turning radius of ~~thirty-eight~~ 38 feet (~~38'~~).

7. Subdivision Access. To facilitate the safe and efficient movement of vehicular traffic, the provision of emergency services, and the placement

of utility easements, the Subdivider shall provide all Subdivisions with six ~~(6)~~ or more lots with two ~~(2)~~ or more means of physical access. Access locations shall be designed to ensure public health and safety and shall be spaced in accordance with Table 7.5.

To allow for sufficient access for emergency providers, the County in coordination with the appropriate fire district or fire service area may require the Subdivider may be required to provide a second access for Minor Subdivisions if the following conditions exist: the maximum cul-de-sac length standard is exceeded; the projected Average Daily Traffic (ADT) exceeds 40 or topography or physical conditions so warrant.

8. ~~Road Design Standards, General: The design standards contained in these Regulations shall apply to all construction, reconstruction, and paving of roads dedicated to the public or within the County maintained road system, and to roads improved through the rural improvement district process. The variance procedure and standards of these Regulations shall apply to the above roads.~~

8. Bridges and Culverts. Bridges shall be provided and installed by the Subdivider where drainage channels intersect any road rights-of-way. The Subdivider may be required to install a bridge or culvert where a road intersects a Watercourse or a Water Conveyance Facility.

All roads that intersect Water Conveyance Facilities shall be agreed to in writing by the water users and/or Water Conveyance Facilities authorized representatives. Where the Subdivider is not able to obtain a written agreement the procedure outlined in Section 6 .A(6)(b)(c) shall be followed.

Drainage plans shall accompany road plans with Preliminary Plat applications for all Subdivisions. Bridges and culverts shall meet the following minimum standards:

- a. Bridges shall be built to the AASHTO established H20 H-20 standard for bridge loading load standards and approved certified by an Engineer. the Road Department.
- b. All culverts shall, at a minimum, extend across the entire improved width of the road cross section. An Engineer in coordination with the County shall determine the size and length of the culvert and the amount of backfill over the culvert.
- c. The minimum capacity of a culvert shall be equivalent to a circular diameter of 15 inches.

10. ~~Culverts: Culverts shall be provided and installed by the subdivider where drainage channels intersect any road rights-of-way. Drainage plans shall accompany road plans for all subdivisions.~~

a. ~~All culverts shall, at a minimum, extend across the entire improved width of the road cross section. The size and length of the culvert and the amount of backfill over the culvert shall be determined by a registered engineer, when determined necessary by the Road Department.~~

b. ~~Each culvert or other drainage facility shall be large enough to accommodate potential runoff from upstream drainage areas. The minimum capacity of a culvert shall be equivalent to a circular diameter of fifteen inches (15").~~

9. ~~Eneroachment Approach Permits. The subdivider shall be required to obtain eneroachment permits for all access to county roads (Road Department) and state highways (MDT). Prior to Final Plat approval eneroachment approach permits shall be required from the Road Department for all eneroachments approaches onto County roads and from MDT for eneroachments approaches onto state highways.~~

B. 10. Road Dedication. ~~All roads within and/or providing access to the proposed subdivision~~ All Access Roads and interior Subdivision roads shall be dedicated to the public or, if the criteria of this Section are met, be a public road easement. Roads dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same.

~~1. The easement shall be approved by the County Attorney.~~

~~2. The easement shall be recorded with the Clerk and Recorder.~~

~~3. The easement shall clearly grant to the public an unrestricted right of ingress and egress from a public road to the property to be subdivided.~~

11. Public Road Easements. Public road easements shall:

a. be reviewed by the County Attorney;

b. be recorded with the Clerk and Recorder;

c. grant to the public an unrestricted right of ingress and egress from a public road to the property to be subdivided; and

- d. be maintained by the Property Owner's Association as agreed to by Covenant recorded with Final Plat.

C. 12. Intersections. It is the County's goal that all intersections shall not operate below a LOS "C" standard or a standard deemed acceptable by MDT. LOS for two-way/one-way stop controlled intersections shall be determined by the average LOS of the stop controlled movements of the intersection. The LOS for all other intersections shall be determined by the average LOS of all movements through an intersection.

If it is determined by a TIS that a proposed Subdivision will add traffic to an existing intersection that operates below a LOS "C" standard or if a proposed Subdivision causes the LOS to drop below a LOS "C" standard then reasonable mitigation of impacts from the Subdivision shall be completed.

New intersections shall be designed and constructed according to AASHTO standards and shall meet the following requirements: apply to road intersections:

- 1.a. The intersection of more than two roads at one point shall be avoided.
- 2.b. Roads shall be laid out so as to intersect as nearly as possible at right angles and no road shall intersect any other road at less than a ~~eighty~~ 80 degree (80°) angle for Arterial and Collector Roads and a 70 degree angle for Local Roads, as indicated in Table 7.1.
- 3.c. Two roads meeting a third road from opposite sides shall meet at the same point, or their centerline shall be off-set ~~at least three hundred feet (300')~~ as shown in Table 7.5.
- 4.d. Any road, which intersects a paved ~~minor~~ Collector, or ~~greater~~ road Arterial road shall be paved ~~for at least one hundred~~ 100 feet (100') from the existing edge of pavement, or to a length as required by site specific conditions and approved by the County and/or MDT.

13. Determination of ADT. ADT shall be determined as an average of ten trips per day per single-family lot at the time of Preliminary Plat. ADT for lots approved for multi-family development and/or commercial development shall be determined based on the figures from the then most current volume of the Institute of Traffic Engineers (ITE) Manual.

D. Road Names. ~~The following requirements apply to road names: All new road names shall be verified by the Gallatin County GIS Department prior to Final Plat approval.~~

- ~~1. New roads aligned with existing roads shall have the same name as the existing roads.~~
- ~~2. All road names must be approved by the Gallatin County GIS Department prior to preliminary plat approval in order to avoid duplication and confusion with names of existing roads.~~

E. Definitions. (terms "street" and "road" may be used interchangeably).

- ~~1. Alley. A public or private way reserved as a secondary means of access to the rear or side of lots which abut on and are served by public roads.~~
- ~~2. Arterial Roads: A street or road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of moving traffic and should provide only limited access to abutting property. Primary and community arterial roads shall have a minimum ninety feet (90') wide right of way and meet such other design standards as may be required by the Commission.~~
- ~~3. Collectors Roads: A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic. Local streets have two moving lanes of traffic, up to two parking lanes, and provide access to abutting properties. (See Table 1 for standards)~~
- ~~4. Cul-de-sac. A street or road having only one outlet for vehicular traffic and terminating in a turn-around area.~~
- ~~5. Dead-End Roads. A road having only one outlet for vehicular traffic.~~
- ~~6. Frontage Access (Service Road). A local or collector street or road, usually parallel and adjacent to an arterial or collector road, which provides access to abutting properties and control of traffic access to arterials or collectors.~~
- ~~7. Loop. A local street or road which begins and ends on the same road, generally used for access to properties and controls traffic access to arterials or collectors.~~

- ~~8. Minor Roads: The primary function of a minor road is to serve abutting property, with a secondary function of moving traffic. (See Table 1 for standards)~~
- ~~9. Mountainous Roads: Roads located on mountainous terrain. Mountainous terrain has a cross slope exceeding fifteen percent (15%).~~
- ~~10. Non Mountainous Roads: Roads not located on mountainous terrain. Mountainous terrain has a cross slope exceeding fifteen percent (15%).~~
- ~~11. Private Road. A road that is not publicly dedicated or accepted by the county.~~
- ~~12. Public Road. A dedicated right of way or public road easement.~~

~~**F. Access Road Standards.** All off-site roads providing access to the proposed subdivision shall meet the following standards:~~

- ~~1. Right of way width and construction standards contained in this Regulation shall apply.~~
- ~~2. Subdivision access roads shall be dedicated to the public, or shall have a public easement, which meets the criteria of this Regulation.~~
- ~~3. The subdivider shall improve the access road(s) to the standards in Tables 1 and 2 of these Regulations based on the cumulative number of trips per day generated by the subdivision and existing traffic. For subdivisions, if the access road(s) have one hundred (100) trips per day, or if the subdivision will add traffic that causes trips on the access roads to exceed one hundred (100) trips per day, the subdivider shall be required to improve the access road(s) (as determined by the Road and Bridge Department) to current county standards and pave the road. Trips per day shall be calculated on an average of eight (8) trips per day per single family lot. Multiple single family unit and commercial lot ADT's shall be based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual. Paving shall be done in accordance with the standards in these Regulations.~~

G. E. Lot Access.

- ~~1. Access. Each lot within a subdivision shall have frontage along a road that meets County road standards road. Physical access to the building site(s) within the lot shall be provided directly off the County standard road frontage. Roads that provide physical access to lots shall meet County road standards. See Tables 7.1, 7.2, 7.3, 7.4, 7.5 and Figure 7.A.~~

2. Plats. All Final Plats shall contain a statement requiring access to lots be built to the Lot Access Standards. ~~contained in this Subsection.~~
3. Lot Access Standards. The top width of the finished lot access surface shall be a minimum of ~~eighteen~~ 18 feet (48") wide on Collector roads and ~~fourteen~~ 14 feet (44") wide on all other roads. ~~Lot accesses shall be built to appropriate County standards, except for the minimum width. Access plans shall be a part of the road plans, which are submitted for review and approval. Where culverts are necessary, in the opinion of the Road and Bridge Superintendent or project engineer, they shall be fifteen inch (15") minimum, approved by the Road Department.~~
4. Access to Building Site. As part of the Preliminary Plat application, the Subdivider shall provide ~~evidence~~ documentation that the building site within each lot has physical access and ~~can be~~ is accessible ~~accessed~~ by emergency service vehicles.
5. Paved Intersections. Any lot access which intersects a paved Collector or Arterial road shall be paved a minimum of 400-20 feet from the existing edge of pavement, or to a depth length as required by site specific conditions and approved by the County and/or MDT.

F. Access Road General Standards. Access Roads shall meet the following requirements:

1. Access Road width and construction standards contained in this Regulation shall apply. See Tables 7.1, 7.2, 7.3, 7.4, 7.5 and Figure 7.A. When a Transportation Plan provides additional standards beyond those required by this regulations the stricter or higher standard shall apply.
2. Access Roads shall be dedicated to the public, or shall have a public road easement that meets the criteria of this Regulation.
3. Any Access Roads identified as a Collector, or Arterial in a Transportation Plan, shall provide the necessary Right-Of-Way as defined in the Transportation Plan.
4. If insufficient Right-Of-Way exists or if the impacts from Subdivision identified in a TIS do not require the construction of the Access Road to the design standards contained within a Transportation Plan, the Subdivider may recommend an alternative standard to the County Commission.
5. If safe Subdivision access cannot be provided or if impacts on local services cannot be reasonably mitigated, the Subdivision may be denied by the County Commission.

6. In order to assess the adequacy of existing Access Roads, an Engineer, shall complete a section/pavement design report, based on current AASHTO Standards, specific site soil data, existing pit-run, existing crushed base, existing asphalt, and design-year traffic loading conditions. The section/pavement design report shall specify testing procedures, minimum road sections for current and projected traffic loads, and recommended improvements if necessary. Existing Access Roads not meeting the section design strength may require improvements, or other mitigation efforts. If the existing Access Road section is acceptable and meets the recommendations of the section/pavement design report, the Subdivider may still need to complete other improvements to the Access Roads, per recommendations of a TIS.

G. Access Road Improvement and Paving Standards Requirements. The Subdivider shall improve the Access Road(s) to the standards in Tables 7.1, 7.2, 7.3, 7.4, 7.5 and Figure 7.A of these Regulations based on the ADT generated by the Subdivision and existing traffic determined by either the County, MDT, or a TIS in accordance with Section 9.G.

Where an Access Road has 300 ADT or where the Subdivision will add traffic that causes trips on an Access Road to exceed 300 ADT, the Access Road shall be paved as described in this Section. See Tables 7.1, 7.2, 7.3, 7.4, 7.5 and Figure 7.A.

The Subdivider may request the County Commission to accept recommendations / mitigation measures identified in a TIS for the Subdivision prepared in accordance with Section 9.G of these Regulations in lieu of paving the Access Road.

The Subdivider whose Subdivision is not required by these Regulations to complete a TIS but has cumulative ADT that requires an Access Road to be paved may voluntarily prepare a TIS in accordance with Section 9.G of these Regulations and request the County Commission to accept recommendations/mitigation measures identified in the TIS.

H. Interior Subdivision Road Improvement Requirements. Except as otherwise provided, all interior Subdivision roads for all Subdivisions with an ADT of more than 300 trips per day shall be paved and built to the paving standards in these Regulations (see Tables 7.1, 7.2, 7.3, 7.4, 7.5 and Figure 7.A.). All interior Subdivision roads for Major Subdivisions identified as a Collector, or Arterial in a Transportation Plan shall be built to the applicable design standards identified in the Transportation Plan. All roads within Subdivisions located within an adopted Growth Policy area of a city or town shall meet the requirements of Section 7 M of this Regulation.

~~H. **Paving Requirements.** Roads within subdivisions that will carry greater than 100 trips per day shall be built to the paving standards in these Regulations and in accordance with the timing requirements below. Trips per day will be calculated based on an average of eight (8) trips per day per single family lot. Multiple single-family unit and commercial lot ADT's shall be based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual.~~

~~The subdivider shall meet one of the following requirements for completion of paving. The option shall be specified in the preliminary plat submittal.~~

- ~~1. The subdivision roads shall be paved prior to final plat approval; or~~
- ~~2. Paving shall be completed under an Improvement Agreement. The improvements agreement shall meet the requirements of Section 8.B.g. of these Regulations.~~

~~I. **Road Impact Fees.** A subdivider who receives preliminary plat approval after May 1, 1997, shall pay a road impact fee in accordance with the Road Impact Fee Regulation as specified under Appendix E of this Regulation.~~

I. Improvement Standards. Construction Standards for All Roads. The following construction standards apply to all interior Subdivision roads and to all Access Roads required to be constructed pursuant to these Regulations:

1. Subgrade Excavation and Embankment. The subgrade for all roads roadways shall be finished within a tolerance of three-quarters (3/4) of an inch measured as a vertical ordinate from the face of a ten-foot (10') straight edge. Compaction of the subgrade shall be accomplished through methods acceptable to an Engineer. ~~and Road Department.~~ The subgrade shall be compacted, in place, to ~~ninety-five~~ 95 percent (95%) of the maximum dry density as determined by AASHTO Designation T-18099. This compaction is required before any gravel surfacing material is placed on the subgrade. Striping requirements shall be ~~approved~~ certified by an Engineer.
2. Sub Base Gravel. (Pit run selected surfacing.) In all sub base gravel material shall be obtained from previously approved pits ~~a tolerance of up to five percent "oversized" material is permitted provided that the "over sized" material passes the screen size immediately larger that the top size specified in Table 7.3 (seven inch (7") for six inch (6") maximum) will be allowed. All oversized material shall not be allowed in the top six inches (6") and shall be removed from the roadway road section. Any sub base gravel used from onsite shall be tested for gradation, plasticity, and liquid limit that meet the most current Montana Public Works Standard Specifications or these Regulations.~~

3. Road Construction Standards. All road construction shall meet the standards set forth in the ~~latest~~ most current edition of the Montana Public Works Standard Specifications, ~~unless otherwise indicated in these Regulations,~~ or the construction standards included in any construction design manual adopted by the County Commissioners. Any deviation from these standards must be certified by a licensed an Engineer in coordination with the County and/or MDT. All roads shall be constructed according to the design standards set forth in the following Tables and Figure 7.A.

TABLE 7.1
STREET ROAD DESIGN STANDARDS

	ARTERIALS AND COLLECTORS		MINOR-LOCAL ROADS	
	ORDINARY	MOUNTAINOUS*	ORDINARY	MOUNTAINOUS*
TERRAIN				
RIGHT-OF-WAY WIDTH	60'-90' 90'-120'	60'	60'	60'
CENTERLINE RADIUS ON CURVES	300'	150'	150'	150'
TANGENT LENGTH BETWEEN REVERSE CURVES	100'	50'	50'	---
STOPPING SITE DISTANCE	300'	200'	200'	100'
ANGLE OF INTERSECTING CENTERLINES	75°-80°	75° 80°	75° 70°	75° 70°
CURB RADIUS AT INTERSECTIONS	50'	40'	40'	25'
LENGTH OF CUL-DE-SAC	---	---	1000**	2500'
OUTSIDE RADIUS ON CUL-DE-SAC R.O.W.	---	---	50 60'	50' 60'
GRADE - MAXIMUM	7%	10%	10%	12%***
GRADE - MINIMUM	.5%	.5%	.5%	.5%
MAXIMUM GRADE WITHIN 150' OF INTERSECTING CENTERLINES	3%	3%	---	---
MAXIMUM GRADE WITHIN 75' OF INTERSECTING CENTERLINES	---	---	3%	3%

Note: All standards are minimum standards unless noted. Road design standards identified within a Transportation Plan shall supercede any of the above standards.

*Mountainous terrain is defined as terrain that has a cross slope exceeding 15%.

**Cul-de-sac roads that provide access to unsubdivided land may exceed this length.

***Grades of over 10% shall not exceed 100' in length.

TABLE 7.2
GRAVEL AND/OR PAVING STREET WIDTH STANDARDS

ADT	MINIMUM FINISHED GRAVEL WIDTH	MINIMUM PAVING WIDTH
NON-MOUNTAINOUS TERRAIN		
8-10-50	24'	22'
16	24'	22'
24	24'	22'
32-99-51+	26'	24'
100+	26'	24'
MAJOR COLLECTORS & ARTERIALS	30' or Trans. Plan	28' or Trans. Plan
MOUNTAINOUS TERRAIN		
8-40	24'	22'
41-99	26'	24'
100+	24'	24'
MAJOR COLLECTORS & ARTERIALS	30' or Trans. Plan	28' or Trans. Plan
<u>CUL-DE-SAC</u>		
	51' Radius	50' Radius

Note: Paving not required until the projected ADT reaches 300.

TABLE 7.3

SUB-BASE GRAVEL						
Pit run selected surfacing shall meet the following gradation:						
	1	2	3	4	5	6
6 inch sieve	100%					
3 inch sieve		100%				
2 1/2 inch sieve			100%			
2 inch sieve				100%		
1 1/2 inch sieve					100%	
1 inch sieve						100%
No. 4 sieve	25-60% for all grades					
No. 200 sieve (not more than)	10%	10%	10%	10%	10%	10%

Liquid limit for that portion of the fine aggregate passing the No. 40 sieve shall not exceed ~~twenty-five~~ (25) nor shall the plasticity index exceed six.

Construction requirements of the pit run selected surfacing shall be laid down in conformity with the approved typical section. The gravel base course shall be placed in uniform thickness of ~~twelve~~ (12) inches and compacted to ~~ninety-five~~ (95) percent of the maximum dry density as determined by AASHTO Designation T-180 ~~99~~. If water is needed to facilitate compaction and bonding of the material, it shall be applied. The subgrade shall be finished within a tolerance of three-quarters (3/4) of an inch measured as a vertical ordinate from the face of a ten ~~10~~-foot (10') straight edge.

TABLE 7.4

CRUSHED TOP SURFACING TYPE ~A~			
Table of Gradations			
Passing	Grade 1	Grade 2	Grade 3
1 inch sieve	100%		
3/4 inch sieve		100%	
1/2 inch sieve			100%
No. 4 sieve	40-70%	40-70%	40-70%
No. 10 sieve	25-50%	25-50%	25-50%
No. 200 sieve	5-10%	5-10%	5-10%

The aggregate for all grades, including added binder or filler, shall meet the following supplemental requirements:

- a. The dust ratio, that portion passing the No. 200 sieve, shall not be greater than two-thirds (2/3) of that portion passing the No. 40 sieve.
- b. The liquid limit for that portion of the fine aggregate passing the No. 40 sieve shall not exceed 25 nor shall the plasticity index exceed six.
- c. Compaction of type "A" crushed surfacing shall be compacted to ~~ninety-five~~ 95 percent (95%) of the maximum dry density as determined by AASHTO Designation T-180 ~~99~~. If water is needed to facilitate compaction and bonding of the material, it shall be applied to bring material within optimum moisture content. The surface course shall be finished within a tolerance of one-half (1/2) inch (1/2") measured as a vertical ordinate from the face of a ~~ten~~10-foot (10') straight edge.

Table 7.5
Subdivision Access Road Intersection Spacing

	<u>Access Road intersects with an arterial or road with speed limit of more than 45 MPH</u>	<u>Access Road intersects with a collector or road speed limit between 30 and 45 MPH</u>	<u>Access Road intersects with a local road or road with speed limit below 30 MPH</u>
<u>Partial Access *</u>	<u>315 feet</u>	<u>150 feet</u>	<u>150 feet</u>
<u>Full Access **</u>	<u>660 feet</u>	<u>330 feet</u>	<u>150 feet</u>
<u>Minimum separation</u>	<u>315 feet</u>	<u>150 feet</u>	<u>150 feet</u>

* Partial Access includes right turn in and out only.

**Full Access allows all turn movements, in and out.

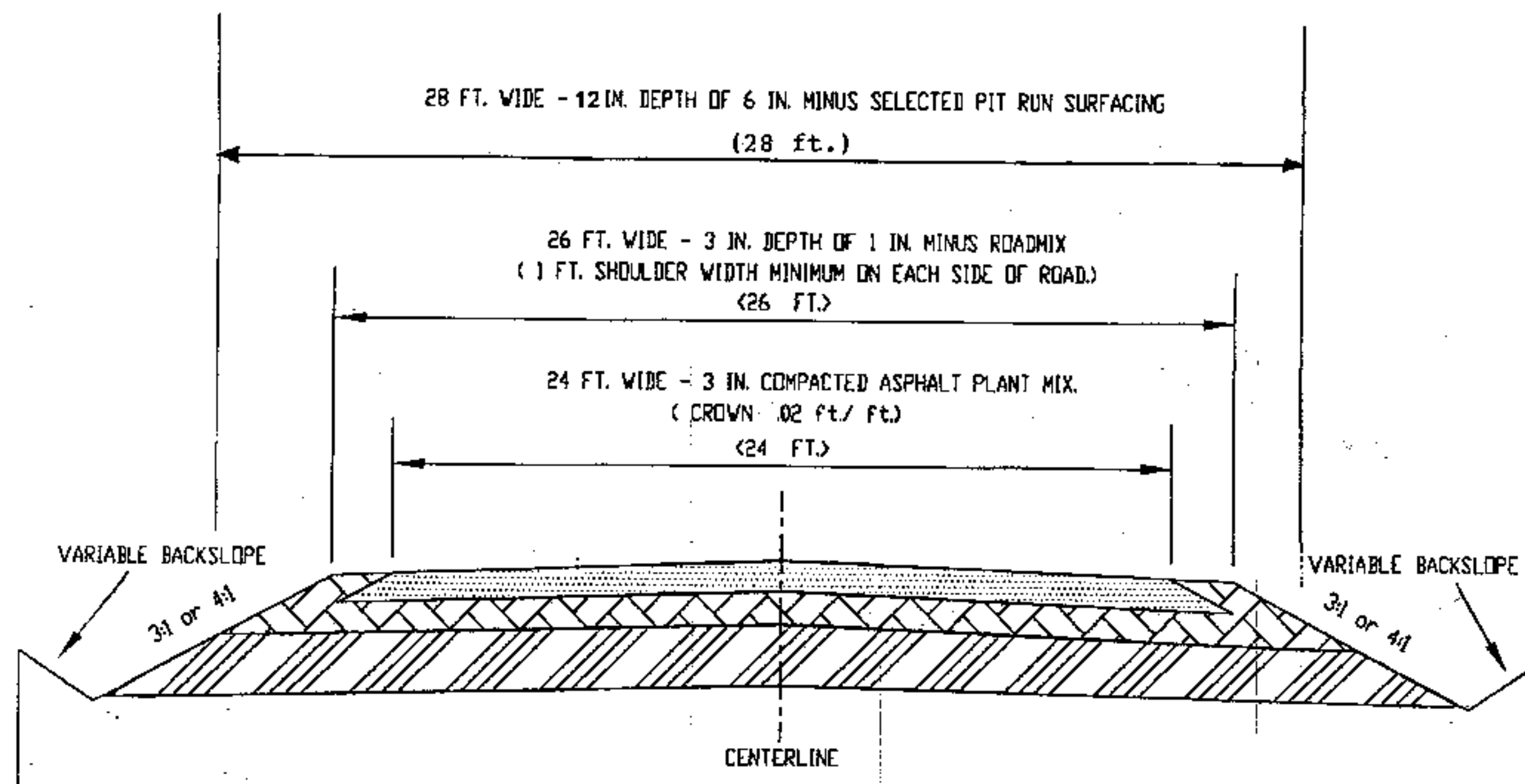
- ~~4. Road Signs. Road signs of the size, shape, and height as approved by the County, shall be placed at all intersections by the Subdivider or a cash bond covering the cost of purchase and installation of the signs shall be turned over to the County before final acceptance of any roads. All road construction plans for Subdivisions shall contain a signage plan.~~
4. Road Sign Standards. Location of road signs shall be designated on road signage plans, which are shall be submitted for review and approval by the County and/or MDT. All road signage plans shall be consistent with the MUTCD current edition.
 - a. Posts. Posts shall be treated or cedar 4"x4" installed 30 inches deep and minimum seven feet to the bottom of the signage. All mounting hardware shall be die cast of No. 380 Alloy with tensile

strength of 49,000 psi with excellent resistance to corrosion. The brackets shall have two angled gussets, or ribs on each side for extra strength. All sets of brackets shall be tapped and drilled for ~~10~~ ten each five-sixteenth inch (5/16") zinc dichromate placed Allen-type set screws having self-locking saw tooth ends.

- b. Signs. All sign blanks as specified: all nine (9") inch wide by ~~twenty-four (24")~~ 24-inch, ~~thirty (30")~~ 30-inch, or ~~thirty-six (36-inch~~ 36-inch (36") long signs of either .08 inch flat aluminum with short radius rounded corners or of .08 inch to .10 inch extruded aluminum with heavy borders. All blanks to be coated with engineer grade green Scotchlite or equivalent reflective surface. All letters in six inch (6") white Scotchlite or equivalent reflective surface.

- 5. Road Improvement Warranty. A two-year written warranty from the project contractor to Gallatin County is required for all onsite and offsite road improvements.

FIGURE 2. 7.A.
GALLATIN COUNTY MINIMUM TYPICAL ROAD STANDARDS



Engineer inspection and written approval certification required on each of the following:

1. Subgrade and ditches.
2. Compacted pit run surfacing, 6 in. minus.
3. Compacted crushed top surfacing, Type "A", 1 in. minus.
4. Finished roadway and street- road signs.
5. Sterilant shall be applied to full width of finished gravel surface prior to paving.

J. Pedestrian Facilities

1. Pedestrian Facilities. Pedestrian facilities shall be required by the following table:

<u>TYPE OF SUBDIVISION</u>	<u>PEDESTRIAN FACILITY REQUIRED</u>
<u>Commercial Subdivision</u>	<u>Pedestrian Facility on both sides of an interior road.</u>
<u>Residential Subdivision Net Density equal to or higher than 1 dwelling unit per half acre.</u>	<u>Pedestrian Facility on both sides of an interior road.</u>
<u>Residential Subdivision Net Density higher than 1 dwelling unit per acre and lower than 1 dwelling unit per half acre.</u>	<u>Pedestrian Facility on at least one side of an interior road.</u>
<u>Residential Subdivision Net Density lower than 1 dwelling unit per acre.</u>	<u>No Pedestrian Facility required</u>

Note: For mixed use Subdivisions (commercial / residential, multiple density residential) Pedestrian Facilities each portion shall be completed within the Subdivision in accordance with the above table.

2. Pedestrian Facility Standards. A Pedestrian Facility shall:

- a. be separated from the Roadway with a minimum 4-foot wide boulevard and be a minimum of 5 feet in width; and
- b. be maintained by the property owner's association as agreed to by Covenant recorded with Final Plat; and
- c. be located within the dedicated public road right-of-way or public road easement; and
- d. be a permeable or impermeable surface capable of being used year round.

K Trails Plan. For all Subdivisions, where a Trails Plan identifies an interior Trail corridor adjacent to or through a proposed Subdivision, a Subdivider shall construct Trails in accordance with the Trails Plan.

L. Transit.

Transit Stops. The Subdivider may be required to dedicate an area of land for a transit stop when a transit route exists or is proposed adjacent to the Subdivision. The Subdivider may be required to provide necessary facilities for a transit stop including but not limited to a shelter and signage, when necessary to reasonably mitigate impacts from the proposed subdivision on existing transit infrastructure.

M. Subdivisions within an Adopted Growth Policy of a City or Town.

City or Town Road Standards. All commercial Subdivisions and residential Subdivisions having a Net Density higher than one dwelling unit per half an acre and located within an adopted Growth Policy area of an incorporated city or town shall meet the city or town's minimum road design standards. Where a Subdivision is within an area in which the city or town's Growth Policy area overlap, the minimum road design standards shall be those for the city or town's Growth Policy that has been adopted by the Gallatin County Commission.

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SECTION 9: ENVIRONMENTAL ASSESSMENT

A. General. It shall be the responsibility of the subdivider to submit the information required by this Section with the preliminary plat.

1. In accordance with 76-3-603, MCA, an environmental assessment must accompany the preliminary plat for a major subdivision.
2. For a first minor subdivision, a second or subsequent minor subdivision, the subdivider need only to provide a summary of the probable impacts of the proposed subdivision based on the primary review criteria established in 76-3-608(3)(a), MCA, (effects on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety).

B. Exemptions From Environmental Assessment.

1. The requirement for preparing an environmental assessment pursuant to 76-3-504(1), MCA, shall be waived when:
 - a. The proposed subdivision is totally within an area covered by a growth policy adopted pursuant to Section 76-1-606, MCA; and

County zoning pursuant to a growth policy has been adopted pursuant to sections 76-2-201 through 76-2-228, MCA; and

a long-range development program of the public works projects has been adopted pursuant to Section 76-1-601(2)(e), MCA.
 - b. The proposed subdivision is the first minor subdivision from a tract of record.
2. A planning board (or Commission, outside of a planning board jurisdiction) may grant a variance to exempt the subdivider from the completion of all or any portion of the environmental assessment when:
 - a. The proposed subdivision is in an area covered by a growth policy adopted pursuant to sections 76-1-601 through 76-1-606, MCA and the proposed subdivision is in compliance with the growth policy; or
 - b. The subdivision will contain fewer than 10 parcels and less than 20 acres.

The subdivider may request the variance for an exemption as a part of the pre-application process.

When such variance for an exemption is granted, the planning board or Commission shall prepare and certify a written statement of the reasons for granting the variance for an exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review.

C. Environmental Assessment. The environmental assessment must accompany the preliminary plat and must include the required information.

1. Major Subdivision: An environmental assessment must accompany the preliminary plat and must include the following information:
 - a. A description of every body or stream of surface water that may be affected by the proposed subdivision, together with available ground water information, and a description of the topography, vegetation, and wildlife use within the area of the proposed subdivision as required under the Environmental Description Contents.
 - b. A summary of the probable impacts of the proposed subdivision based on the criteria described in 76-3-608, MCA, and this Section.
 - c. A community impact report containing a statement of anticipated needs of the proposed subdivision for local services, including education and business; roads and maintenance; water, sewage, and solid waste facilities; fire and police protection.
 - d. Additional relevant and reasonable information related to the applicable regulatory criteria adopted under these Regulations.
2. Second or Subsequent Minor Subdivision: An abbreviated environmental assessment must accompany the preliminary plat and must include the following information:
 - a. A summary of the probable impacts of the proposed subdivision based on the criteria described in 76-3-608 MCA, and this Section.
3. First Minor Subdivision from a Tract of Record: The first minor subdivision from a tract of record is exempt from any environmental assessment requirement (76-3-609(3), MCA).

D. Environmental Description Contents.

1. Surface Water:

- a. Mapping. Locate on a plat overlay or sketch map all surface waters and the delineated floodways which may affect or be affected by the proposed subdivision including:
 - (1) Natural water systems such as streams, lakes, rivers, or marshes.
 - (2) Artificial water systems such as canals, ditches, aqueducts, reservoirs, irrigation or drainage systems.
- b. Description. Describe all surface waters which may affect or be affected by the proposed subdivision including name, approximate size, present use, and time of year when water is present.
 - (1) Describe proximity of proposed construction (such as buildings, sewer systems, roads) to surface waters.
- c. Water Body Alteration. Describe any existing or proposed streambank or shoreline alterations or any proposed construction or modification of lake beds or stream channels. Provide information on location, extent, type, and purpose of alteration. A 310 Permit from the Gallatin Conservation District shall be required for any alterations to perennial streams.
- d. Wetlands. If wetlands are present, the subdivider shall provide a wetlands investigation completed by a qualified consultant, using the U.S. Army Corps of Engineers' Wetlands Delineation Manual Technical Report Y-87-1 (1987 Manual). If the investigation indicates the presence of wetlands, a wetlands delineation shall be shown on the final plat. If any construction or changes are proposed which require a 404 Permit, the subdivider shall provide evidence of such permit to the planning department.

2. Ground Water:

- a. Depth. Establish the seasonal minimum and maximum depth to the water table, dates on which these depths were determined, and the location and depth of all known aquifers which may be affected by the proposed subdivision. The high water table shall be determined from tests taken during the period of major concern as

specified in writing by the Health Department. Specific locations for test holes may also be determined by the Health Department.

- b. Steps to Avoid Degradation. Describe any steps necessary to avoid degradation of ground water and ground water recharge areas.

3. Geology - Soils - Slopes:

- a. Geologic Hazards. Identify geologic hazards affecting the proposed subdivision which could result in property damage or personal injury due to rock falls or slides; slides-land, mud, snow; surface subsidence (e.g., settling or sinking); and seismic activity.
- b. Protective Measures. Explain what measures will be taken to prevent or materially lessen the danger of future property damage or injury due to any of the hazards referred to above.
- c. Unusual Features. Provide a statement describing any unusual soil, topographic or geologic conditions on the property which limit the capability for building or excavation using ordinary and reasonable construction techniques. The statement should address conditions such as shallow bedrock, highwater table, unstable or expansive soil conditions, and slope. On a map identify any slopes in excess of fifteen percent (15%) grade.
- d. Soils Map. The subdivision shall be overlaid on the Gallatin County Soil Survey maps obtained from the NRCS. The maps are 1:24,000 scale. These maps may be copied without permission. However, enlargement of these maps could cause misunderstanding of the detail of mapping. Soils were mapped using a minimum delineation of five acres. Soils reports were intended to alert subdividers to possible problems and the need for a more detailed on-site investigation. The subdivider shall provide the following soil reports which can be obtained for the NRCS:
 - (1) The physical properties and engineering indexes for each soil type.
 - (2) Soil limitations for sanitary facilities, building site development, and water features for each soil type.
 - (3) Hydric soils report for each soil type. If hydric soils are present, the subdivider shall provide a wetlands investigation by a certified consultant, using the U.S. Army Corps of Engineers' Wetlands Manual.
 - (4) The subdivider shall provide any special design methods planned to overcome the above limitations.

- e. Cuts and Fills. Describe the location and amount of any cut or fill three or more feet in depth. These cuts and fills should be indicated on a plat overlay or sketch map.

- (1) Where cuts or fills are necessary, describe any plans to prevent erosion and to promote revegetation such as replacement of topsoil and grading.

4. Vegetation:

- a. Vegetation Map. On a plat overlay or sketch map:

- (1) Indicate the distribution of the major vegetation types such as marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest.
 - (2) Identify critical plant communities such as stream bank or shoreline vegetation; vegetation on steep, unstable slopes; vegetation on soils highly susceptible to wind or water erosion.
 - (3) The subdivider shall have any noxious weeds identified and their location mapped by a person with experience in weed management and knowledgeable in weed identification.

- b. Protective Measures. Describe measures to:

- (1) Preserve trees and critical plant communities (e.g., design and location of roads, lots and open spaces).

5. Wildlife:

- a. Species. Describe species of fish and wildlife which use the area affected by the proposed subdivision.
- b. Critical Areas. Identify on a plat overlay or sketch map of the proposed subdivision any known critical or "key" wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species, wetlands.
- c. Protective Measures. Describe any proposed measures to protect or enhance wildlife habitat or to minimize degradation (e.g., keeping building and roads back from shorelines; setting aside marshland as undeveloped open space).

- d. The subdivider shall discuss the impact of the proposed development on fish and wildlife with the Department of Fish, Wildlife and Parks (FWP). The subdivider shall provide a written statement outlining any recommendation of FWP and any mitigation planned to overcome any adverse impacts.

6. Historical Features:

- a. Affected Areas. Describe and locate on a plat overlay or sketch map any known or possible historic, paleontological, archeological or cultural sites, structures, or objects which may be affected by the proposed subdivision.
- b. Protective Measures. Describe any plans to protect such sites or properties.
- c. The subdivider shall discuss the impact of the proposed development on any historic features, and the need for inventory, study and/or preservation with the State Historic Preservation Office (SHPO). The subdivider shall provide a written statement outlining any recommendations of SHPO and any plans for inventory, study and/or preservation and any mitigation planned to overcome any adverse impacts.

7. Visual Impact:

- a. Measures. Describe any efforts to visually blend development activities with the existing environment (e.g., provisions for appropriate building materials, colors, road design, and underground utilities and re-vegetation or earthworks).

E. Summary of the Probable Impacts Criteria. All subdivisions must be designed so that they do not adversely impact agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, public health and safety, pursuant to the MSPA, or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

- 1. The effect on agriculture and proposed mitigation of impacts. Agriculture is defined as all aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals or poultry; and any practices including, forestry or lumbering operations, including preparation for market or delivery to

storage, to market, or to carriers for transportation to market. Prime agricultural lands are defined under 82-4-203 (40), MCA.

- a. Number of acres in type of production. Is the proposed subdivision or associated improvements located on or near prime farmland or farmland of statewide importance as defined by the Natural Resource Conservation Service? If so, identify each area on a copy of the preliminary plat.
 - b. The productivity of the land.
 - c. Whether or not the property is part of a viable farm unit. Describe whether the subdivision would remove from production any agricultural or timber land.
 - d. Agricultural operations and other uses of land in the general locality.
 - e. What measures will be taken, if any, to control family pets.
 - f. Fencing of Agricultural Land. Describe any existing fence lines around the subdivision boundary, which protect agricultural lands under an ownership other than that of the subdivider, and describe any measures which will be taken to insure that the owners of the subdivision will share with the owner of the agricultural lands in the continued maintenance of the fence.
 - g. Additional information as needed.
2. The effect on agricultural water user facilities and proposed mitigation of impacts. Agricultural water user facilities are defined as those facilities which provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, ditches, head gates, pipes, and other water conveying facilities.
 - a. Type, description, ownership, and users of facilities.
 - b. Describe conflicts the subdivision would create with agricultural water user facilities (e.g. residential development creating problems for operating and maintaining irrigation systems) and whether agricultural water user facilities would be more subject to vandalism or damage because of the subdivision.

- c. Describe possible nuisance problems which the subdivision would generate with regard to agricultural water user facilities (e.g. safety hazards to residents or water problems from irrigation ditches, head gates, siphons, sprinkler systems, or other agricultural water user facilities).
 - d. Additional information as needed.
- 3. The effect on local services and proposed mitigation of impacts. Local services are defined as any and all services that local governments, public or private utilities are authorized to provide for the benefit of their citizens including but not limited to police, sheriff, fire, emergency, and public health services, as well as schools, busing, and roads.
 - a. Methods of water supply and sewage disposal.
 - b. Provision of law enforcement services and fire protection services, and projected costs to providers.
 - c. Costs of upgrading or extending off-site public roads. Costs of annual road maintenance.
 - d. Provision of educational services and projected costs to providers.
 - e. Current amount of local property taxes, projected amount land and improvements will pay in local property taxes. Who would bear these costs (e.g. all taxpayers within the jurisdiction, people within special taxing districts, or users of a service)?
 - f. Provision of utilities and easements.
 - g. Additional information as needed.
- 4. The effect on the natural environment and proposed mitigation of impacts. The natural environment is defined as the physical conditions which exist within a given area, including land, air, water, mineral, flora, fauna, sound, light and objects of historic and aesthetic significance.
 - a. Road drainage and erosion.
 - b. Terrain and surface runoff effects.
 - c. Grading and drainage plan.

- d. Effects on native vegetation, soils, quality or quantity of surface or ground waters.
 - e. Weed control.
 - f. Additional information as needed.
 - g. Light pollution.
 - h. Whether the proposed development complies with adopted County plans for parks, recreation, open space, and trails.
5. The effect on wildlife and wildlife habitat and proposed mitigation of impacts. Wildlife are defined as those animals that are not domesticated or tame. Wildlife habitats are defined as the place or area where wildlife naturally lives or travels through.
- a. Proximity to area of significant wildlife habitat or critical wildlife areas.
 - b. Expected effects of pets and human activity on wildlife.
 - c. Effects on fisheries.
 - d. Effects on public access to public lands, trails, hunting or fishing areas.
 - e. Describe what impacts the subdivision or associated improvements would have on wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands, or important habitat for rare or endangered species.
 - f. Additional information as needed.
6. The effect on public health and safety and proposed mitigation of impacts. Public health and safety is defined as the prevailing healthful, sanitary condition of well being for the community at large. Conditions that relate to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes, and other natural hazards; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards.
- a. Potential natural hazards; flooding, snow or rock slides, high winds, wildfire, excessive slopes, etc.

- b. Potential man-made hazards; high voltage power lines, high pressure gas lines, nearby industrial or mining activity, high traffic volumes, lack of fire protection, inadequate traffic safety, etc.
- c. Additional information as needed.

F. Community Impact Report Contents.

1. Water Supply:

- a. Description of Use. Describe how water will be provided for household use and fire protection.
- b. Capacity. Indicate the number of gallons per day of water the proposed subdivision will require and whether the water supply is sufficient to meet the needs of the anticipated, final population of the subdivision. Are there any anticipated effects on existing water systems or wells within the area?
- c. State Standards. Indicate whether the plans for water supply meet the standards of MDEQ for quality, quantity and construction criteria.
- d. Existing Public System. If the subdivider proposes to connect to an existing water system:
 - (1) Identify and describe that system.
 - (2) Provide written evidence that permission to connect to that system has been obtained.
 - (3) State the approximate distance to that system.
 - (4) State the cost of extending or improving the existing water system to service the proposed development.
 - (5) Show that the existing water system is adequate to serve the proposed subdivision.
- e. New Public System. If a separate public water system is to be installed, discuss:
 - (1) Who is to install that system and when it will be completed.
 - (2) Who will administer and maintain the system at the beginning of subdivision development and when subdivision is completed.
 - (3) Provision of evidence that the water supply is adequate in quantity, quality, and dependability (75-6-102 MCA).

- f. Individual System. If individual water systems are to be provided, describe the adequacy of supply of the ground water for individual wells or cisterns and how this was determined.

2. Sewage Disposal:

- a. Method. Describe the proposed method of sewage disposal.
- b. Capacity. Indicate the number of gallons of effluent per day which will be generated by the proposed subdivision at its full occupancy, whether the proposed method of sewage disposal is sufficient to meet the anticipated final needs of the subdivision and whether it meets the standards of MDEQ.
- c. Existing System. If the development will be connected to an existing public sewer system, include:
 - (1) A description of that system and approximate distance from proposed subdivision.
 - (2) Written evidence that permission to connect to that system has been obtained.
- d. New System. If a new public sewage disposal system, as defined under 75-6-102 MCA, is to be installed, discuss:
 - (1) When the system will be completed, and how it will be financed.
 - (2) Who is to administer and maintain the proposed system at the beginning of subdivision development and when development is completed.

3. Solid Waste Disposal:

- a. Collector System. Describe the proposed system of solid waste collection and disposal for the subdivision including:
 - (1) Evidence that existing systems for collection and facilities for disposal are available and can handle the anticipated additional volume.
 - (2) A description of the proposed alternative where no existing system is available.
 - (3) Whether the proposed method of solid waste disposal meets the standards of MDEQ.

4. Roads:

- a. Description. Describe any proposed new public or private access roads or substantial improvements of existing public or private Access Roads. Road improvements may include Trails needed to accommodate existing historic non-motorized road uses.
- b. Access to Arterial. Discuss whether any of the individual lots or tracts have access directly to Arterial Roads; and if so, the reason access was not provided by means of a road within the subdivision.
- c. Modification of the Existing Roads. Explain any proposed closure or modification of existing roads.
- d. Dust. Describe provisions considered for dust control on roads.
- e. Pollution and Erosion. Explain how road maintenance will be provided to meet MDEQ guidelines for prevention of water pollution and erosion.
- f. Installation and Maintenance. Indicate who will pay the cost of installing and maintaining dedicated and private roadways.
- g. Average Daily Traffic (ADT). ~~Traffic Generation.~~ Discuss how much ADT ~~daily traffic~~ will be generated on existing Local, Collector and neighborhood roads and main Arterial Roads, when the subdivision is fully developed.
- h. Capacity. Indicate the capacity of existing and proposed roads to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
- i. Year-Round Access. Explain whether year-round access by conventional automobile will be available over legal rights-of-way to the subdivision and to all lots and common facilities within the subdivision.

5. Utilities:

- a. Affected Utilities. Indicate whether the subdivision preliminary plat has been submitted to affected utilities for review; if so, include a copy of response.

b. Include a description of:

- (1) The method of furnishing electric, natural gas or telephone service, where provided.
- (2) The extent to which these utilities will be placed underground.
- (3) Estimated completion of each utility installation.
- (4) The subdivider shall provide a written statement from the utility companies that the proposed subdivision can be provided with service.

6. Emergency Services:

a. Describe the emergency services available to the subdivision such as:

- (1) Fire Protection. Is the proposed subdivision in an urban or rural fire district? If not, will one be formed or extended? In absence of a fire district, what fire protection procedures are planned?
- (2) Police protection.
- (3) Ambulance service.
- (4) Medical services.

b. Give the estimated response time of the above services.

c. Can the needs of the proposed subdivision for each of the above services be met by present personnel and facilities?

- (1) If not, what additional expense would be necessary to make these services adequate?
- (2) At whose expense would the necessary improvements be made?
- (3) Indicate whether the subdivision preliminary plat has been submitted to affected above agencies; if so, include copy of response.
- (4) The subdivider shall discuss the impact of the proposed development on the provision of emergency services with each of the providers. The subdivider shall provide a written statement outlining the recommendations of the providers and any mitigation planned to overcome any inability to provide services or adverse impacts.

7. Schools:

- a. Available Facilities. Describe the available educational facilities which would service this subdivision.
- b. School Children. Estimate the number of school children that will be generated from the proposed subdivision.
- c. The subdivider shall discuss the impact of the proposed development on the provision of educational services with the administrator(s) of the appropriate school system(s). The subdivider shall provide a written statement outlining whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system, any recommendations of the administrator(s), and any mitigation planned to overcome any adverse impacts of the proposed development on the provision of educational services.

8. Land Use:

- a. Planning. Describe comprehensive planning and/or land use regulations covering the proposed subdivision or adjacent land and if located near the jurisdictional area of an incorporated city or town, whether annexation is proposed.
- b. Public Lands. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe present and anticipated uses for those lands; (e.g., grazing, logging, recreation, etc.).
- c. Adjacent Land Use. Describe the effect of the subdivision on adjacent land use.
- d. Hazards. Describe any health or safety hazards on or near the subdivision, such as mining activity or potential subsidence, high pressure gas lines, dilapidated structures or high voltage power lines. Any such conditions should be accurately described and their origin and location identified. List any provisions that will be made to mitigate these hazards.
- e. Nuisance. Describe any on-site or off-site land uses creating a nuisance, such as unpleasant odors, unusual noises, dust or smoke.

9. Housing:

- a. Indicate the proposed use(s) and number of lots or spaces in each:

- _____ Residential, single family.
- _____ Residential, multiple family. Types of multiple family structures and numbers of each (e.g., duplex, four-plex).
- _____ Planned Unit Development (number of units).
- _____ Condominium (number of units).
- _____ Mobile or Manufactured Home Park.
- _____ Recreation Vehicle Park.
- _____ Commercial or Industrial.
- _____ Other (please describe).

- b. Is the subdivision planned as a second home or recreational subdivision?

10. Parks and Recreation Facilities:

- a. Describe park and recreation facilities to be provided within the proposed subdivision and other recreational facilities which will serve the subdivision.
- b. Describe trail facilities to be provided within the proposed subdivision. Trails should connect with parks, trails and recreation facilities in accordance with the then current Trails Plan where applicable.

11. Taxation:

- a. Acreage. Include a list of the number of acres in each land assessment classification prior to subdivision.
- b. Existing Taxes. Describe any existing tax and existing or proposed special assessments which will affect the subdivision.
- c. Anticipated Taxes. Estimate the increased amount of taxes that will be generated by the subdivision at full development using existing valuations and mill levies. Estimate the increases costs of all public services, including schools, at full subdivision buildout.

12. Accessibility of Service Systems and Facilities: Provide total distances over road types to each of the following:

	Unimproved	Graded	Graveled	Paved	Total	Town Where Located
Fire Protection						
Police Protection						
Hospital Facilities						
Elementary School						
High School						

G. Traffic Impact Study (TIS).

1. Purpose. The purpose of a TIS is to identify any traffic impacts resulting from a proposed subdivision and to determine the need for improvements to the Transportation System to reasonably mitigate the impacts
2. Applicability. A TIS shall be prepared for any subdivision that generates 500 Average Daily Traffic (ADT) or more (see Section 7.C.13. for calculation of ADT). A TIS shall be prepared by or under the direction of an Engineer in coordination with the County and/or MDT. .
3. Scope of Work. The scope of work for a TIS shall be developed by an Engineer in coordination with the County and/or MDT prior to commencement of work. The scope of work shall be submitted with the pre-application submittal for review by the County and/or MDT. The scope of work at a minimum shall include the following.
 - a. Study Area. The geographic study area for the TIS shall be determined by an Engineer in coordination with the County and/or MDT. Some general guidelines include the following:
 - All site access points to the Subdivision; and
 - All intersections of Arterials and/or Collector roads within one mile of the Subdivision;
 - Intersections of Arterials and/or Collector roads beyond the one mile area if they may be significantly impacted by the Subdivision. Significant impacts may include but are not limited to significant increase of additional peak hour trips and/or decrease in the current or projected LOS.

- b. Analysis Period. The TIS shall include an operations analysis performed for the weekday a.m. and p.m. peak hour at the Study Area intersections. However, the County and/or MDT may require certain Subdivisions to study other peak traffic hour times due to land uses that may generate other peak traffic hour times.
- c. Study Time Frames. The TIS shall include at minimum:
- Existing conditions shall date from no more than one year from the date sufficiency is determined for the preliminary plat.
 - Expected conditions at completion year of the Subdivision or each phase of a phased Subdivision, including background traffic projections for the expected completion year. Background traffic projections shall account for nearby subdivisions with preliminary or final plat approval that have not yet built out (as identified by the County) and/or the application of an appropriate growth rate.

4. Minimum TIS Requirements. The study requirements for a TIS are:

- Vicinity map showing the location of the project in relation to the Transportation System of the area;
- Description of the proposed Subdivision, surrounding land uses, and existing, adopted Transportation Plans affecting the study area;
- Trip generation forecast using data from the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual* unless more appropriate data is available and approved by the County and/or MDT;
- Trip distribution assumptions based on historical data, existing and future travel characteristics, and capacity constraints;
- Existing traffic volumes;
- Existing and future LOS, average vehicle delay and volume/capacity ratios (V/C) for all intersections and road sections within the Study Area for conditions with and without the proposed project;
- Forecast traffic volumes with and without the Subdivision;
- Safety analysis of the site access, including sight distance and operation characteristics;
- Analysis of right and left turn lane warrants (MDT standards);
- Analysis of parking needs of the proposed Subdivision;
- An objective analysis based recommendation regarding further analyses, including warrants for traffic control devices; and

- Findings and conclusions including a recommendation of suggested mitigation for off-site impacts and an evaluation of the effectiveness of that mitigation.

5. Peer Reviewer. All TISs shall be reviewed by a traffic Engineer or a transportation planner decided upon by the County.

- All fees shall be based upon the peer's review of the TIS for compliance with industry accepted traffic methodologies and existing Gallatin County Plans and Regulations.
- All fees for the peer review process shall be paid by the Subdivider.
- An estimate of the fee required for the peer review process will be provided by the County upon submittal of the preliminary plat application. The review fee shall not exceed \$1,000.
- All proposed Subdivisions on the Montana Highway System shall be reviewed by the MDT for sufficiency and approval.
- The peer review for the TIS shall be completed within the time allotted for the preliminary plat review period.

6. Waiver of Study Requirements. Upon the written request of the Subdivider, the requirement for a TIS, or the study elements listed in Minimum TIS Requirements, may be waived or modified by the County and/or MDT. The Subdivider shall document the reasons for the requested waiver or modification. Factors to be considered include but are not limited to:

- Roadway improvements scheduled that are expected to mitigate any impacts associated with the proposed project.
- A similar TIS was previously prepared for the site and is still considered applicable.

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